

## 18.120 RELEASE OF INFORMATION AND PUBLIC RECORDS

### ***Reference:***

Procedure 12.225 - Vehicular Crash Reporting  
Procedure 12.700 - Search Warrants/Consent to Search  
Procedure 12.900 - Processing Juvenile Offenders  
Standards Manual - 1.2.2, 41.2.4, 46.1.3, 46.1.4,  
46.1.5, 54.1.1, 55.1.3, 55.2.6,  
55.2.7, 82.1.1  
State v. Keller, 85 Ohio St.3d 279  
Kallstrom v. City of Columbus, 136 F.3d 1055

### ***Information:***

The PIO (Public Information Office) aids division personnel in releasing information to the media, and on a daily basis prepares and distributes formal media releases about Police Division activities.

Refer media personnel requesting information concerning newsworthy events to PIO during normal business hours, Monday through Friday, 0800 to 1700 hours. After normal business hours direct requests to the responsible unit or supervisor. Do not refer queries from the media to PCS.

This procedure will be used as a guide for police personnel when dealing with news media personnel to ensure cooperation. This is also to control the access of news media representatives, including photographers, to the scene of major fires, natural disasters, other catastrophic events, and crime scenes.

The RSD (Records Section Director) is ultimately responsible for the maintenance of all division records. The RSD is also responsible for the process in responding to **written** requests for viewing and releasing of records.

Section Commanders/Directors are responsible for the process in responding to **on-site** requests for viewing and releasing of records.

Record requests via subpoena or City Solicitor and Prosecutor's Office requests will be handled and/or coordinated by the legal liaison at Planning Section.

Computer printout information (e.g., NCIC, LEADS, CLEAR, RCIC) will not be released except to criminal justice personnel for criminal justice purposes (as defined in the LEADS User Manual).

Personnel who have factual information from an offense report, auto accident report, traffic ticket, or other document, except as otherwise directed herein, will, upon request, release that information.

***Policy:***

The Cincinnati Police Division will readily cooperate with any request for release of information or to view information maintained by the division in accordance with State law.

***Procedure:***

A. Written Requests Release of Records and Reports

1. All written requests received (via mail) for records or reports will be forwarded to the RSD (Records Section Director).
  - a. Exceptions are those received by subpoena, court order, solicitor or prosecutor which will be forwarded to Planning Section.
2. The RSD will release or delegate to the proper section/unit the task of releasing police records and reports pursuant to ORC 149.43. Release of records and reports must be made within reasonable time. As soon as the requested records and/or reports are available, the requester must be notified immediately to respond to the Records Section for pick-up and payment.
  - a. The RSD will investigate requests of questionable validity.
    - 1) The RSD will consult the City Solicitor's Office if there is doubt regarding release of requested information.

- 2) If records being requested contain personal information that may be protected under the 14<sup>th</sup> Amendment rights to privacy and bodily integrity, Records Section will initiate the Kallstrom Process (see H).
3. The RSD or designate will contact units holding requested public records and make arrangements for the viewing or collection of those records permitted to be released.
  - a. The affected unit will:
    - 1) Make copies of the requested record.
    - 2) Prepare a Form 17 listing the number of items reproduced.
    - 3) Send the requested records and Form 17 to Records Section for release.
  - b. Records Section will notify the requesting party.
4. Records Section will edit from records information that would endanger the life or safety of law enforcement personnel, or any information that is confidential as defined by law.
  - a. The narrative portion of an Incident Supplement (Form 301IS), Domestic Violence Investigation Report (Form 311DV), or Vice Activity Report (Form 526), where the reporting officer states his theory of the case, may be edited.
5. Records Section will collect fees before releasing public records.
  - a. Requesters who have established a charge account with the Police Division, and who are not in arrears in their payments, may be billed after release of requested records.
    - 1) Charge account information can be verified by contacting the Records Section.

- b. Records Section will bill for, after release, any public records released under the authority of the PIO (Public Information Office).

B. On Site Requests for Public Records

1. Direct release of information from units/sections will occur only when authorized by the District/Section Commander/Director, PIO, RSD, Bureau Commander, or Police Chief. Any requests of questionable validity will be referred to the Records Section Director for investigation (see H).
  - a. PIO, or the Night Chief in the absence of PIO personnel or the District/Section Commander/Director, may authorize the release of records, including PCS (Police Communications Section) tapes and dispatch logs, to the media under exigent circumstances.
2. The following process will be utilized for on-site Freedom of Information Requests.
  - a. Requesters of public information must complete a Request for Public Information form.
  - b. The decision to immediately release information to the media is contingent upon availability of personnel to fulfill the request.
  - c. If unable to fulfill the request within 24 hours due to special circumstances (i.e. amount of records requested, personnel available to make copies, etc.), prepare written documentation explaining reason. As soon as requested information is fulfilled, contact the requestor as soon as possible to respond to Records Section for pick up.

3. The affected unit will comply with the following for requesters who have established a charge account with the Police Division (on file at Records Section), who are not in arrears in their payments, and who may be billed after the release of requested records:
  - a. Make copies of the requested record(s).
  - b. Prepare a Form 17 listing the number and description of items reproduced.
  - c. Obtain the signature of the requester on the Form 17 to serve as a receipt.
  - d. Send the Form 17 to Records Section for billing.
4. When requesters have not established a charge account with the Police Division, or they are in arrears in their payments, the affected unit will:
  - a. Make copies of the requested record(s).
  - b. Prepare a Form 17 listing the number and description of items reproduced.
  - c. Send the requested records and Form 17 to Records Section for release and collection of fees.
  - d. No records will be released before payment to requesters who have not established a charge account.

C. Arrests - Investigations

1. From the initial stage of a criminal investigation until the completion of a trial or disposition without a trial, police personnel will direct all media requests for information to the supervising officer responsible for the investigation. The supervising officer, his designee, or PIO will release the information following guidelines set herein.

2. Before issuance of an arrest warrant or the filing of any complaint, information, or indictment, the identity of a suspect is confidential and will not be disclosed.
  - a. This does not apply to 911 tapes in which a potential suspect is named.
  - b. Do not expose persons in custody to the media for pictures or interviews.
3. From the time of arrest, issuance of an arrest warrant, or the filing of any complaint, information, or indictment of any person 18 years of age or older, the following information will be released upon request:
  - a. A factual statement of the accused's name, sex, race, age, residence, occupation, and family status.
  - b. The facts of arrest, time and place of arrest, pursuit, and use of weapons.
  - c. The charges placed, including a brief description of the elements necessary to constitute the charge.
  - d. The identity of the investigating and arresting officers or agency and the duration of the investigation.
    - 1) Do not reveal the identity of covert officers.
    - 2) Do not reveal the home address or telephone number of any officer.
4. Prior to an official court disposition, division personnel will not release or authorize the release, without the Police Chief's approval, any statement concerning:
  - a. The prior criminal record, including arrests, indictments, or other charges of crime, character, or reputation of the accused.

- b. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement.
  - c. The performance or results of any examination or test, or the accused's refusal to submit to such examination or test.
  - d. The identity, testimony, or credibility of prospective witnesses.
  - e. The possibility of a guilty plea to an offense charged.
  - f. An opinion about the accused's guilt, innocence, mental competency, or to the merits or evidence in the case.
5. Withhold critical information from the public if and until a danger to a victim no longer exists, e.g., a kidnapping victim not yet returned in accordance with Kallstrom.
6. Releasing photographs:
- a. Requests for photographs of arrested persons will be referred to the Hamilton County Sheriff's Office, Warrant/Identification Unit.
  - b. Do not release photographs of victims or witnesses.

D. Reports

1. The responsibility to redact information contained on reports released following a Public Records request remains with the personnel releasing the report. The following information **must** be redacted prior to the release.
- a. Social Security numbers.
  - b. Uncharged suspect information.
  - c. The identity of a confidential source.

- d. Information that would endanger the safety of law enforcement personnel, crime victims, witness or a confidential source.
    - e. Confidential investigation techniques, procedures or work product.
  - 2. The morning report summaries from the five police districts will be used on the Press Release Board located at Records Section.
    - a. The unit initiating or holding a report will release, upon request, information contained in the report, except contents of the Form 301IS, Form 311DV, and Form 526.
    - b. The division will not release information from reports involving juveniles in cases of child abuse and child neglect per ORC 2151.421(H)(1) and (H)(2).
  - 3. Districts will keep copies of all fatal, unusual, or serious injury crash reports for use by desk personnel to release information.
  - 4. Release upon request information in Minor Accident or Aided Case Reports (Form 316) and Incidents Reports (Form 301) filed at the district of occurrence.
  - 5. In cases of death or serious injury, the police will request the media not release the identity of a deceased or seriously injured person until next of kin is notified.
- E. Use of VMBS (Voice Mailbox System)
- 1. The following personnel will provide, via the VMBS, information concerning significant or noteworthy events, events affecting public safety, or major news stories which affect the division:



- a. District/section commanders.
  - b. PCS supervisors.
  - c. Night Chief.
  - d. Relief commanders or designees.
2. The following information will be provided:
- a. Name, title, and assignment of the division representative providing the information.
  - b. Type of incident.
  - c. Date, time, location, and names (spell out the names on the phone).
  - d. A brief description of the incident or offense.
3. End the VMBS message indicating this is only preliminary information. Further information will be provided when it is available.

F. Incidents Involving Police Officers

1. Command officers, district/section commanders, or the OIC of an investigation has the authority to release the names of police personnel involved in an incident as soon as possible.
- a. Before release, ensure accuracy of the information.
  - b. Allow the officer the opportunity to notify family members before releasing the information if the report of an incident would cause them concern.
  - c. The timely release of the name of police participants in a major incident adds to the credibility of the division and forestalls the possibility of the media adversely commenting on the incident because information was withheld.

2. Notify the Police Chief immediately upon receipt of any request for pictures of division personnel when connected with an event which will reflect unfavorably upon the individual officer or the division.
  - a. PIO will release photographs of police personnel for community relations purposes, recognition for commendable acts, promotions, etc. Photographs of officers who are in covert assignments will NOT be released without the approval of the Police Chief.

G. Statistical Data - Criminal Reports

1. PIO will verbally provide information from Police Division administrative reports.
2. Refer requests for actual copies of Police Division administrative reports to Planning Section.

H. Kallstrom Process

1. Under the Kallstrom v. City of Columbus, 136 F.3d 1055, and State v. Keller, 85 Ohio St. 3d 279, the Police Division is NOT permitted to release and will **NOT** release any of the following records:
  - Officers' home address or
  - Home telephone numbers
  - Information regarding family members or
  - Beneficiaries
  - Social security numbers
  - Medical information or psychological reports
  - Banking or account information or
  - Information obtained from driver's licenses or RCIC/NCIC sources.
2. District/Section Commanders/Directors are responsible for reviewing and redacting any of the above information from the requested records prior to release.

3. If any record is requested (written or on-site) under the Public Records Act and the record contains any information that, if released, may violate a person's 14<sup>th</sup> Amendment rights to privacy and/or bodily integrity, refer the request to the RSD and process the reproduced records as in the written request procedure. Section Commanders/Directors must notify Records Section to notify the affected Division member(s).
4. Records Section will notify the target of the request that a records request has been made.
5. If the target presents a reasonable objection based specifically on the rights afforded in the 14<sup>th</sup> Amendment, the request will be denied or the subject data will be edited from the record before release.

#### I. Media Access

1. Police personnel will make every effort to allow news media personnel safe access to any fire, disaster, major catastrophe, or controlled restricted area or crime scene.
  - a. Police personnel will not permit access to any restricted area if it will have an adverse affect on any investigation or impede rescue efforts, or to any area which may endanger the life of an individual.
2. The Officer in Charge (OIC) at the scene of any fire, disaster, major catastrophe, or controlled restricted area or crime scene will have the authority to determine whether or not to grant media personnel admission to restricted areas.
  - a. Media personnel have the right to the same access as the public and no more.
  - b. Should there be a question as to whether a person is a member of the media, it is the responsibility of the media person to identify him/herself as a member of a news agency. Other known members of the media may help in this identification.

- c. The granting of any privileges will not excuse media personnel from observing and obeying all laws. The need for crime scene security must be understood and respected. The OIC will determine the crime scene area.
- d. Media personnel must have the approval of the OIC or Public Information Office (PIO) before entering non-public areas of a police facility. While in non-public areas of a police facility, media personnel will be accompanied by police personnel and will wear a Visitor ID Pass.
- e. Refer to Procedure 12.700, SEARCH WARRANTS/CONSENT TO SEARCH, General Information and Policy sections regarding restrictions and guidelines for civilians, media, and third parties during the execution of a search warrant.